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Continued May 4, 1988

maintenance. The City filled a vacant Heavy Equipment Mechanic position by hiring off of an existing eligibility list for Welder-Mechanic in order to fill the position with minimal time lost in recruitment. This was not a problem since the applicants on the Welder-Mechanic list must be journeymen mechanics and the salary for Heavy Equipment Mechanic and Welder-Mechanic is the same.

The Equipment Maintenance Shop presently is working their Heavy Equipment Mechanics and the Welder-Mechanic on a 4/10 plan (4 days per week/10 hours per day). In order to provide additional flexibility in the Shop, it is requested that the Heavy Equipment Mechanic hired off of the Welder-Mechanic list be reclassified to Welder-Mechanic. The employee involved has no problem with this reclassification. It was recommended that the City Council reallocate the positions in the Equipment Maintenance Division as follows:

	Authorized 1987/88	Recommended Reauthorization
Equipment Maintenance Supervisor	1	1
Welder-Mechanic	1	2
Equipment Service Worker	1	1
Heavy Equipment Mechanic	<u>3</u>	<u>2</u>
	6	6

REPORT REGARDING  
RESULTS OF  
DECERTIFICATION  
ELECTION OF THE  
GENERAL SERVICES  
BARGAINING UNIT  
EMPLOYEES

CC-34

The City Council was advised that the City received a petition signed by 42 persons requesting decertification of IBEW Local 1245 as the majority representative of the General Services Unit. In accordance with provisions of Resolution 3344, a secret ballot election was held on April 26, 1988. The result of the election was 43 to 17 in favor of withdrawing certification.

The same petition asked that the San Joaquin County Employees Association be named the majority representative of the General Services Unit. Inasmuch as those signing the petition and the overwhelming vote in favor of decertification, formal recognition to the San Joaquin County Employees Association as the majority representative for the General Services Unit should be granted.

This unit consists of clerical workers, engineers, meter readers, and other white collar occupations.

PUBLIC HEARING SET  
TO REVIEW COUNTY  
OF SAN JOAQUIN  
HAZARDOUS WASTE  
MANAGEMENT PLAN

CC-24(a)

The City Council was apprised that the next step in the process of adopting a county wide Hazardous Waste Management Plan, as required by AB 2948, is setting a public hearing for May 18, 1988 to consider the contents of the draft plan and to hear public comment on the plan.

Council set the subject public hearing for the Regular Council Meeting of May 18, 1988.

REPORT REGARDING  
FEES AND DEPOSITS  
FOR SYETP THEATRE  
PROJECT

CC-56  
CC-130

The City Council was advised that as in past years, the City has worked jointly with the County Theatre Arts Project by providing a site at Hutchins Street Square for their performances. They use the soccer field, on the west side of the project, and are completely self-contained with lights, set-up and clean-up staff and of course, the actors.

This year's performance is scheduled for Tuesday, August 16, 1988. They have appropriate insurance on file. They expect a community audience of approximately 3-400 people.

Staff advised that they have not charged them a fee in the past, nor do we anticipate any fee assessment for this year's performance. It is an excellent youth effort and an added cultural addition to the City's artistic calendar of events.

AWARD BID FOR THE  
PURCHASE OF CONVENTIONAL  
POLE-MOUNTED TRANSFORMERS

RES. NO. 88-58

The City Council adopted Resolution No. 88-58 awarding the bid for the purchase of Conventional Pole-Mounted Transformers as follows:

CC-20  
CC-47

<u>General Electric Supply Co.</u>		<u>Bid</u>
10 ea	10 KVA Single-Phase 120/240 volt	\$4,017.40
3 ea	75 KVA Single-Phase 277 volt	<u>\$3,742.86</u>
		\$7,760.26

RTE Corporation

10 ea	25 KVA Single-Phase 120/240 volt	\$5,989.00
10 ea	37.5 KVA Single-Phase 120/240 volt	6,953.60
10 ea	50 KVA Single-Phase 120/240 volt	<u>8,713.20</u>
		\$21,655.80

McGraw Edison Power Systems

3 ea	167 KVA Single-phase 277 volt	\$8,045.40
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The TOTAL COST of the award is \$37,461.46

The City Council was advised that on April 12, 1988 bids were received for the purchase of ten 10-KVA, ten 25-KVA, ten 37.5 KVA, ten 50-KVA, three 75-KVA, and three 167-KVA Conventional Single-Phase Pole Mounted Transformers.

The Transformers will be used to serve new developments (10) for replacement in the PCB change-out program (25) and to maintain an inventory for other needs as they develop. Some of the specific developments requiring transformers are as follows:

Almond Drive Apartments  
Lodi Iron Works  
Maggio Industrial Park

Transformers are evaluated by combining the purchase price with the life-cycle cost of transformer losses.

Funding for this purchase is available in the Electric Utility Department's Operating Fund.

Continued May 4, 1988

AWARD BID FOR THE  
PURCHASE OF PADMOUNT  
TRANSFORMERS

RES. NO. 88-59

The City Council adopted Resolution No. 88-59 awarding the bid for padmount transformers as follows:

CC-20

CC-47

Maydwell and Hartzell, Inc.Bid

5 ea	37.5 KVA Single-phase 240/120 volt	\$ 5,867.10
5 ea	50 KVA Single-phase 240/120 volt	6,434.20
1 ea	75 KVA Three-phase 208Y/120 volt	3,324.16
		<u>\$15,625.46</u>

McGraw Edison Power Systems

7 ea	75 KVA Single-phase 240/120 volt	\$ 9,267.58
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Pauwels-Chance

1 ea	500 KVA Three-phase 480Y/277 volt	\$ 7,333.08
1 ea	750 KVA Three-phase 480Y/277 volt	9,366.16
		<u>\$16,699.24</u>

The TOTAL COST of this purchase is \$41,592.28

The City Council was advised that on April 12, 1988 bids were received for the purchase of five 37.5 KVA, five 50 KVA, and seven 75 KVA Single-Phase, and one 75 KVA, one 500 KVA, and one 750 KVA Three-Phase Padmounted Transformers.

The transformers will be used to serve new customer loads (10), for the PCB change-out program (5), and to maintain an inventory for other needs and emergencies as they develop (5).

Some of the specific developments requiring transformers are as follows:

Apple Orchard  
Sun West #9  
Awani Estates  
Mokelumne #2  
Almond Place Apartments

Transformers are evaluated by combining the purchase price with the life-cycle cost of transformer losses.

Funding for this purchase is available in the Electric Utility Department's Operating Fund.

AWARD BID FOR THE  
PURCHASE OF 600  
VOLT XLPE TRIPLEX  
CABLE

RES. NO. 88-60

The City Council adopted Resolution No. 88-60 awarding the bid for the purchase of 20,000 feet of 600-volt #1/0 XLPE Triplex Cable to Reynolds Aluminum in the amount of \$17,384.00.

CC-20

CC-47

The City Council was advised that on April 19, 1988 bids were received as follows:

General Electric Supply Company	\$16,896.40
Reynolds Aluminum	17,384.00
Pirelli Cable Company	20,931.60

However, General Electric's proposal did not meet reel specification and price was subject to change. Reynolds Aluminum, the second lowest bidder, met specifications and guaranteed no escalation in the price.

The cable will be used throughout the City to serve developments currently planned for construction and to maintain an inventory for other needs as they develop. Some of the specific projects requiring this cable are as follows:

Apple Orchard  
Sun West #9  
Awani Estates  
Mokelumne #2

Funding for this purchase is available in the Electric Utility Department's Operating Fund.

IMPROVEMENTS UNDER  
INSTALLATION/UPGRADE  
OF KILLELEA SUBSTATION  
FENCE CONTRACT  
ACCEPTED

CC-90

The City Council accepted the fence installation/upgrade of Killelea Substation and directed the Electric Utility Director to file a Notice of Completion with the County Recorder's office. The final contract price was \$15,024.30. The difference (of \$967) between the contract and the final contract price is due to Change Order No. 1 that added railing and gate footings. It should be noted that the final contract price of \$15,024.30 remains lower than the second lowest bid of \$16,750.75.

The City Council was reminded that at the Council meeting of March 2, 1988 the City Council awarded the contract for installation/upgrade of the Killelea Substation fence to Economy Fence Co., Stockton, CA, in the amount of \$14,057.30.

The original security system at the Killelea Substation (Cherokee Lane and Locust Street) had been repeatedly breached and considerable upgrade of this system was required. Unauthorized entry had included intrusions under and over the chain-link fence surrounding the substation; the padlock was cut and removed leaving the gate open to the general public. Articles had been stolen from the site and various toys had been found on site. This particular substation is the only one which has experienced such intrusions.

While no significant damage has been done to date, the presence of unauthorized persons in an ultra-hazardous area is a serious matter. The exposure to high-voltage equipment should be limited to only those trained in electrical safety. Furthermore, that substation represents the direct link between Lodi and its power supply. Any accident involving the main power bus at that substation affects the entire city.

IMPROVEMENTS ACCEPTED  
UNDER THE WHITE  
SLOUGH WATER POLLUTION  
CONTROL FACILITY  
AERATION SYSTEM  
DIFFUSER RETROFIT  
1987 CONTRACT

CC-90

The City Council accepted the improvements for the "Aeration System Diffuser Retrofit 1987", and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

Continued May 4, 1988

The City Council was advised that the contract was awarded to Kaweah Construction of Visalia on October 21, 1987 in the amount of \$76,500. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was March 4, 1988 and the actual completion date was February 26, 1988. The final contract price was \$76,690.80.

IMPROVEMENTS UNDER  
BUILDING DEMOLITIONS,  
125 NORTH STOCKTON  
STREET, 122 NORTH  
MAIN STREET, AND  
208 EAST LOCUST  
STREET ACCEPTED

CC-90

The City Council accepted the improvements for the "Building Demolitions, 125 North Stockton Street, 122 North Main Street and 208 East Locust Street" contract and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

Council was advised that the contract was awarded to Sterling P. Holloway of Auburn on February 17, 1988, in the amount of \$32,916.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was May 16, 1988, and the actual completion date was April 15, 1988. The final contract price was \$35,853.50. The difference between the contract amount and the final contract price is mainly due to abandonment of an additional unrecorded well, removal of additional concrete, and salvaging additional block of historical value.

DEVELOPMENT AGREEMENT  
FOR THE FOUNTAINS,  
1516 AND 1718 SYLVAN  
WAY APPROVED

CC-46

The City Council approved the Development Agreement for The Fountains, 1516 and 1718 Sylvan Way, and directed the City Manager and City Clerk to execute the agreement on behalf of the City.

The City Council was informed that Jerry Heminger, the developer of this project, has furnished the City with the improvement plans, the necessary agreements, guarantees, insurance certificates, and fees for the proposed development.

This project is located at 1516 and 1718 Sylvan Way and contains a total of 149 apartment units.

IMPROVEMENTS IN  
SUNWEST UNIT NO. 5  
ACCEPTED

RES. NO. 88-61

CC-46

The City Council adopted Resolution No. 88-61 accepting the subdivision improvements included in Tract Map No. 2045, Sunwest Unit No. 5.

The City Council was informed that improvements in Sunwest Unit No. 5 have been completed in substantial conformance with the requirements of the subdivision agreement between the City of Lodi and Search Development, Inc., dated August 20, 1986, and as specifically set forth in the plans and specifications approved by the City Council.

IMPROVEMENTS IN  
SUNWEST UNIT NO. 7  
ACCEPTED

RES. NO. 88-62      The City Council adopted Resolution No. 88-62 accepting the  
CC-46                subdivision improvements included in Tract Map No. 2049,  
Sunwest Unit No. 7.

The City Council was informed that improvements in Sunwest Unit No. 7 have been completed in substantial conformance with the requirements of the subdivision agreement between the City of Lodi and Search Sunwest, dated August 20, 1986, and as specifically set forth in the plans and specifications approved by the City Council.

AGREEMENT WITH  
SEIDLER-FITZGERALD  
PUBLIC FINANCE TO  
PROVIDE FINANCIAL  
SERVICES AND  
AGREEMENT WITH  
JONES HALL HILL  
AND WHITE TO PROVIDE  
LEGAL SERVICES  
ASSOCIATED WITH THE  
230 KV-INTERCONNECTION  
PROJECT

RES. NO. 88-63      The City Council adopted Resolution No. 88-63 authorizing  
CC-51(e)            the approval of agreements for financial services with  
CC-190              Seidler-Fitzgerald Public Finance, and legal services with  
Jones Hall Hill and White associated with the 230-KV  
Interconnection project.

The City Council was reminded that at the "Shirtsleeve" session of April 26, 1988, the City Council heard presentations from Mr. John Fitzgerald, of the finance consulting firm of Seidler-Fitzgerald Public Finance, and Mr. Brian Quint, of the law firm of Jones Hall Hill and White concerning certain services each would provide in regard to the proposed 230-KV Interconnection project. Copies of proposed agreements covering these services were presented for Council review. Both agreements are standard for these kinds of professional services. The fee for financial services will be in the vicinity of \$112,500. The fee for legal services will be approximately \$45,000. The payment of these fees are included in total amount of the Certificates of Participation to be sold and is included in the estimated issuance cost of \$200,000 as presented.

The issuance cost will represent only about 2% of what will be the total issue. Combined with the 1% discount rate, this results in a total issuance cost/discount rate of approximately 3% of the issue. This is the result of the unusual strength of this electric utility issue. This compares with the normal total cost in this area of 5-6%, which is probably what the City can look to at the time of the financing of the White Slough wastewater treatment plant expansion.

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COMMENTS BY CITY  
COUNCIL MEMBERS

BOYS AND GIRLS CLUB  
JAZZ BAND CONCERT  
APPLAUDED

Council Member Olson applauded the recent Boys and Girls Club Jazz Band Concert.

Continued May 4, 1988

POLICE DEPARTMENT'S  
NEW "SPEED MACHINE"  
COMPLIMENTED

Council Member Reid indicated how impressed he was with the Police Departments new "Speed Machine".

## RV PARKING CONCERNS

CC-53(a)  
CC-150

Council Member Hinchman expressed concern regarding RV parking and posed a number of questions regarding the matter to Staff.

INQUIRY REGARDING  
UNAVAILABILITY OF  
CITY PERMIT PARKING  
LOT PERMITS

CC-150

Council Member Hinchman voiced his concern regarding the unavailability of City permit parking lot permits.

CONCERN EXPRESSED  
REGARDING SPEED  
LIMIT ON WEST LODI  
AVENUE BETWEEN HAM  
LANE AND MILLS  
AVENUE

CC-48(a)

Council Member Hinchman expressed his concern regarding the 40 M.P.H. speed limit on West Lodi Avenue between Ham Lane and Mills Avenue and directed a number of questions regarding the matter to Staff.

QUESTIONS REGARDING  
LEAKING ROOF AT THE  
OLD CARNEGIE LIBRARY  
BUILDING

CC-14(a)

Council Member Olson advised that she had received a call from a citizen who was concerned about the leaking roof at the old Carnegie Library Building.

COMMENTS BY THE  
PUBLIC ON NON AGENDA  
ITEMSGOEHRING MEAT, INC.  
SEEKS SOLUTION  
REGARDING SALT  
INTRUSION OF THEIR  
UNDERGROUND WATER  
SUPPLYCC-44  
CC-183(c)

Mr. Ben Goehring, 15405 North Locust Tree Road, Lodi, representing Goehring Meat, Inc., asked the City to assist them in finding a solution regarding salt intrusion of their underground water supply.

## PUBLIC HEARINGS

*CC-84a)*  
*CC-27(a)*

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Snider called for the Public Hearing to determine whether or not to defer the November 1988 election on measures pertaining to the "Green Belt" Initiative adopted by the electorate on August 1981 to June 1989.

The subject was introduced by Community Development Director Schroeder who advised the City Council that Staff recommends that the City Council determine that the November, 1988 election on measures pertaining to the "Green Belt" Initiative adopted by the electorate on August 25, 1981 be deferred until June, 1989.

Mr. Schroeder stated that although the "Green Belt" Initiative requires a vote of the people on each project proposed to be added to the Land Use Element of the General Plan, it does not establish a date for the elections. The City Council, by policy, has determined that the "Green



Belt" measures will be considered once a year at the time of the November general election.

The staff is recommending that the November, 1988 election not be held because the legality of the "Green Belt" Initiative is pending before the Third District Appellate Court. The concern is that the City may schedule an election which would be unnecessary if the measure is unconstitutional.

If the Court finds in favor of the Measure, it appears that only commercial and industrial projects could be considered because of the sewer moratorium imposed by the Council on residential developments.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

On motion of Council Member Olson, Hinchman second, the City Council determined to defer the November 1988 election on measures pertaining to the "Green Belt" Initiative adopted by the electorate on August 1981 to June 1989.

REQUEST FROM MORRIS  
AND WENELL, ARCHITECTS  
ON BEHALF OF FELLOWSHIP  
MINISTRIES FOR  
CONDITIONAL USE PERMIT  
FOR CONVERSION AND  
REHABILITATION OF  
EXISTING BAR ON  
NORTH SACRAMENTO  
STREET

CC-6  
CC-53(a)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Snider called for the Public Hearing to consider the request from Morris and Wenell, Architects, on behalf of Fellowship Ministries, Inc., 222 West Lockeford Street, Suite 9, Lodi, for a Conditional Use Permit pursuant to Ordinance No. 1409 for the conversion and rehabilitation of an existing bar into a shelter for the homeless, which property is located at 19 North Sacramento Street, Lodi.

The matter was introduced by Community Development Director Schroeder who presented diagrams of the subject area. Also making a presentation regarding the request was Robert Morris of Morris and Wenell, Architects and Planners, Inc., 222 West Lockeford Street, Lodi.

Speaking on behalf of the request were:

- A) Rudy Rodriquez, Director of the New Life Mission 7, North Sacramento Street, Lodi
- B) Linda Rodriquez, 7 North Sacramento Street, Lodi
- C) Dr. Walter Reiss, 1200 West Vine Street, Lodi
- D) Pastor Bob Mattheis, St. Paul's American Lutheran Church, 701 South Pleasant Avenue, Lodi
- E) Walter Bozich, 1608 Fawnhaven Way, Lodi
- F) Larry Meyers, 131 South Avena Street, Lodi
- G) James Verseput, 2120 West Lodi Avenue, Lodi

Continued May 4, 1988

Speaking in opposition was Gene Walton, Attorney-at-Law, representing several property owners on Sacramento Street.

Also speaking in support were:

- A) Tom Kooyman, Friendship Ministries
- B) Debbie Craig, 232 Hilborn Street, Apt. #3, Lodi
- C) Jared Coffey, 444 Murray Street, Lodi

City Clerk Reimche presented a letter of support that had been received from Felicia Johnson, 130 North California Street, Lodi.

There being no other persons wishing to address the Council on the matter, the public portion of the hearing was closed.

Following discussion, the City Council on motion of Council Member Hinchman, Reid second, granted the request for a conditional Use Permit pursuant to Ordinance No. 1409 for the conversion and rehabilitation of an existing bar into a shelter for the homeless, which property is located at 19 North Sacramento Street, Lodi. The motion carried by an unanimous vote of all Council Members present.

PLANNING COMMISSION REPORT City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of April 25, 1988:

CC-35 The Planning Commission -

#### ITEMS OF INTEREST

1. Continued consideration of the request of Glen I. Baumbach, c/o Baumbach and Piazza, Consulting Engineers, on behalf of Maurice O. Ray for the approval of a Tentative Parcel Map to create two parcels from 1108, 1120 and 1132 Sylvia Drive and 811 South Fairmont Avenue (APN's 033-080-19, 14, 13 and 16) in an area zoned R-C-P, Residential-Commercial-Professional.

The matter was continued so that the developer could provide the Planning Commission with a parking layout for the existing convalescent hospital and the proposed future development.

2. Conditionally approved the Tentative Parcel Map to divide 306 North Cluff Avenue (APN 049-080-46) into Parcels "A" and "B" in an area zoned M-2, Heavy Industrial as requested by Terry Piazza, c/o Baumbach and Piazza, Consulting Engineers, on behalf of ASA Investments, a Partnership.
3. Conditionally approved the Tentative Subdivision Map of Awani Estates, a 3.4 acre, 8-lot single-family residential project proposed for the north end of Awani Drive (APN's 041-250-38 and 041-410-01) in an area zoned R-1, Single-Family Residential as requested by RLC Associates, Consulting Civil Engineers on behalf of Pintail Investment Corporation.
4. Conditionally approved the Tentative Subdivision Map of 903 Park Place which combines Lots 7 and 8 of Industrial Lite Subdivision (903 and 909 Black Diamond Way) and resubdivides the joined lots into a one-lot condominium in an area zoned M-2, Heavy Industrial as requested by Glen I. Baumbach, c/o Baumbach and Piazza, Consulting Engineers on behalf of Neal Weaver.

5. Continued consideration of the request of Liquid Carbonic Industrial/Medical Corporation for a Use Permit to install a temporary office trailer and to operate a truck terminal at 1123 West Vine Street in an area zoned M-1, Light Industrial because no one was present to represent the applicant.

COMMUNICATIONS  
(CITY CLERK)

CLAIMS CC-4(c) On motion of Council Member Reid, Hinchman second, the City Council denied the following Claims and referred them back to the Leonard J. Russo Insurance Services, Inc., the City's Contract Administrator:

A) David M. Smith (DOL 11/4/87)

B) Annette Mondavi (DOL 1/6/88)

PUC APPLICATIONS

CC-7(f) City Clerk Reimche presented a copy of Reply of the Pacific Gas and Electric Company to Response of Division of Ratepayer Advocates to Application for Rehearing of D.88-02-029.

DISSOLUTION OF SAN  
JOAQUIN LOCAL  
HEALTH DISTRICT

CC-2(c)

A letter was presented which had been received from Al Crow, President of the Board of Trustees, San Joaquin Local Health District, regarding dissolution of the district.

RECESS

Mayor Pro Tempore Snider declared a five-minute recess. The Council reconvened at approximately 9:25 p.m.

ADJOURNMENT TO  
MEETING OF THE LODI  
PUBLIC IMPROVEMENT  
CORPORATION

The meeting was adjourned at approximately 9:25 p.m. to a meeting of the Lodi Public Improvement Corporation.

The City Council meeting reconvened at approximately 9:35 p.m.

REGULAR CALENDAR

RESOLUTION ADOPTED  
REGARDING THE 230  
KV-INTERCONNECTION  
PROJECT APPROVING,  
AUTHORIZING AND  
DIRECTING EXECUTION  
OF CERTAIN INSTALLMENT  
SALE FINANCING DOCUMENTS,  
APPROVING THE FORM AND  
DISTRIBUTION OF A  
PRELIMINARY OFFICIAL  
STATEMENT, AND OFFICIAL  
NOTICE OF SALE AND AN  
OFFICIAL BID FORM IN  
CONNECTION WITH THE  
OFFERING AND SALE OF  
CERTIFICATES OF  
PARTICIPATION RELATING  
THERE TO

RES. NO. 88-64

CC-51(e)  
CC-190

City Manager Peterson advised that one of the procedural actions which must be taken as part of the financing of the proposed 230-KV interconnection project is the adoption by the City Council of a resolution authorizing and directing

the execution of certain installment sale financing documents, approving the form and distribution of a preliminary official statement, and Official Notice of Sale and an official bid form in connection with the offering and sale of certificates of participation relating thereto. Mr. Brian Quint, of Jones Hall Hill & White, the City's bond counsel, who was in attendance, made a presentation and responded to questions regarding the proposed resolution. The City Council was advised that the appropriate supporting documents have been prepared by the financial advisor and bond counsel and were presented for Council's review.

Following discussion with questions being directed to Mr. Quint and to Staff, the City Council on motion of Council Member Hinchman, Olson second, adopted Resolution No. 88-64, "A Resolution Approving, Authorizing and Directing Execution of Certain Installment Sale Financing Documents, Approving the Form and Distribution of a Preliminary Official Statement, an Official Notice of Sale and an Official Bid Form in Connection With the Offering and Sale of Certificates of Participation Relating Thereto and Authorizing and Directing Certain Actions With Respect Thereto."

TRUCK ROUTE  
ENVIRONMENTAL IMPACT  
REPORT REVIEW

CC-45(a)  
CC-48(a)

The City Council was advised that, at its October 21, 1987 meeting, the Council directed staff to take the necessary steps toward preparation of an Environmental Impact Report (EIR) on the establishment of truck routes within the City of Lodi. This was done as part of the discussions concerning the new Traffic Ordinance and regulation of commercial vehicles.

One of the city wide problems that was to be addressed in the new ordinance was that of truck parking in residential areas. At the time the ordinance was drafted (early 1987), the most effective way to prohibit truck parking in residential areas was to restrict their travel.

Cities can restrict travel of commercial vehicles through the establishment of weight limits. This is usually done in one of two ways:

- 1) Weight Limits on Selected Streets - This is the approach used in Lodi. Weight limits have been set on two streets (East Tokay Street and Holly Drive). This method requires signs on each street.
- 2) Weight Limits on All Streets Except Selected Streets (Truck Routes) - This approach was suggested in the new Traffic Ordinance but was not adopted due to controversy over the status of Turner Road. Under this method, signs are posted on the truck routes only. Advantages include:
  - Reduced signing
  - Clearer message to truck drivers
  - Better control in all residential areas, not just streets with weight limit as in 1)
  - Controls off-street parking in residential areas
  - Slight reduction in street wear by putting trucks on streets that are designed for truck loading.

The controversy over establishing Turner Road as a truck route included both pro and con arguments with supporting letters. Trucking industry representatives wanted the truck route, and area residents wanted a weight limit that would substantially reduce truck traffic. The City was placed in a position where either action would need an EIR.

Staff contacted Jones and Stokes, the firm preparing the City-wide General Plan update, and TJKM, the traffic firm doing the Street Master Plan as part of the General Plan. The EIR would be prepared by Jones and Stokes using the traffic data generated by TJKM. Their proposals for preparing the truck route EIR are attached. The cost of the project is:

Jones & Stokes EIR	\$23,500
TJKM	13,500
City work (approximate)	<u>5,000</u>
Total	\$42,500

In spite of the advantages provided by establishment of truck routes, staff has some reservations about going ahead with the EIR. They are:

- 1) The environmental impacts will be vague and inconclusive. Based on our knowledge of traffic volumes and noise/air quality analyses, it is very likely there will be no firm statements that will be of use in decision making.
- 2) It is impractical to prohibit trucks on Turner Road. Given the street network and location of Turner Road and the businesses/industries located on or near Turner Road, a complete prohibition of trucks (even excepting deliveries on Turner itself) will be impractical, unenforceable, and ill-advised.
- 3) Even if some environmental impacts due to establishing Turner Road as a truck route can be identified, there are no practical mitigating measures and Council can make a finding of overriding considerations and establish the route anyway.
- 4) A compromise solution for Turner Road such as prohibiting I-5 to Highway 99 trucks could be reached without the expense of an EIR.
- 5) The money could be much better spent elsewhere such as contributing toward the cost of a traffic signal.

In January 1988, a new State law went into effect allowing Cities to restrict truck parking in residentially zoned areas. The City's new ordinance makes this effective in Lodi. Thus, the primary reason truck routes were even considered no longer applies.

On motion of Council Member Hinchman, Olson second, the City Council directed the City Clerk to place on the agenda for the City Council Meeting of May 18, 1988, for discussion and receipt of public input, the Truck Route Environmental Impact Report.

Continued May 4, 1988

REQUEST TO USE  
PUBLIC RIGHT-OF-WAY  
FOR DISPLAY AND  
SALE OF MERCHANDISE  
AT CENTRAL FURNITURE,  
608 SOUTH CENTRAL  
AVENUE DENIED

CC-16  
CC-45(e)  
CC-53(a)

The City Council was advised that in October of last year, the City reviewed with the City Council the different types of encroachments that were taking place within the public right-of-way. The Public Works Department is enforcing the ordinance with respect to these encroachments. Letters were sent to parties having encroachments allowing them sufficient time to remove their property from the public right-of-way. Approximately 40 businesses have now complied with this request.

At the April 20, 1988 Council meeting, a letter dated March 29, 1988 from E. H. Spangler was received by the City Council. Mr. Spangler is requesting a waiver of the ordinance requirements in order to display sale merchandise fronting his business.

The Council, at its meeting of February 17, 1988, reviewed the request of the appliance stores of Kundert and Bauer and Reo's Appliance for a waiver of the ordinance. In the case of the appliance stores, their need was to facilitate the deliveries from customers and suppliers. The City Council did approve this use of the right-of-way under the issuance of an encroachment permit.

The Chamber's Retail Merchants Committee is in agreement with the City's position of cleaning up the sidewalk and right-of-way of signs and sales material except for special organized sidewalk sales.

It is felt that the approval of the variance for the appliance stores was not precedent setting. However, the approval of this request would set a precedent for allowing the display and sale of material on the sidewalk and in the public right-of-way. Therefore, it is Staff's recommendation that this request be denied.

Mr. Spangler was not in attendance to speak on behalf of his request.

Following discussion with questions being directed to Staff the City Council on motion of Council Member Reid, Hinchman second, denied the request of E. H. Spangler to use the public right-of-way for display and sale of merchandise.

RECREATION ACTIVITY  
FEE REVIEW

CC-6  
CC-40  
CC-56

Following a review of Recreation Department activity fees and discussion Council, on motion of Council Member Reid, Olson second, approved the 50% maximum subsidy of Adult Sports League Programs and authorized the Parks and Recreation Commission to adjust sports league program fees when the percentage goes over the 50% limit without resubmitting a request for fee adjustments. Further, Staff was directed to forward a report to Council on all fee modifications.

EMPLOYMENT AGREEMENTS  
FOR CITY ATTORNEY  
AND CITY CLERK  
APPROVED

CC-34  
CC-90

The City Manager introduced this matter advising that shortly after his appointment in April, 1985, the City Council deemed it appropriate, and he concurred, that there be an employment agreement between the City and the City

Manager. Such an agreement was approved by the City Council at its regular meeting of September 4, 1985. With the appointment of the new City Attorney, then-Mayor suggested it would be appropriate to put in effect a similar agreement covering that position. It was further suggested that the City Clerk be covered likewise by such an agreement. This then would clearly set forth the terms and conditions of employment of the City Council's three full-time appointees. These agreements are patterned after the City Manager's employment agreement.

The City Manager pointed out that perhaps the most significant point is that these are agreements, not contracts. Specifically, the agreements provide that: "Nothing in this agreement shall prevent, limit or otherwise interfere with the rights of the City Council to terminate the services of EMPLOYEE" (meaning the City Attorney or City Clerk as the case may be). Thus the incumbents in these positions continue to serve as "at pleasure" appointees of the City Council.

Following discussion with questions being directed to the City Manager, the City Council, on motion of Council Member Reid, Olson second, approved employment agreements between the City of Lodi and the City Attorney and the City of Lodi and the City Clerk. Further, the City Manager was directed to present a report to the City Council annually on vacation balances for the three Council appointees; namely the City Manager, City Attorney, and City Clerk.

#### ORDINANCES

ORDINANCE AMENDING --  
LAND USE ELEMENT OF  
THE LODI GENERAL  
PLAN BY REDESIGNATING  
THE 9.2 ACRE PARCEL  
AT THE N/W CORNER OF  
STATE ROUTE 99 AND  
EAST TURNER ROAD  
FROM COMMERCIAL TO  
LOW DENSITY  
RESIDENTIAL ADOPTED

ORDINANCE NO. 1424  
ADOPTED

CC-53(a)  
CC-149

Ordinance No. 1424 - entitled, "Ordinance Amending the Land Use Element of the Lodi General Plan by Redesignating the 9.2 Acre Parcel at the Northwest Corner of State Route 99 and East Turner Road from Commercial to Low Density Residential" having been introduced at a Regular Council Meeting held April 20, 1988 was brought up for passage on motion of Council Member Reid, Hinchman second. Second reading of the Ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by unanimous vote of all Council Members present.

ORDINANCE REZONING  
THE 9.2 ACRE PARCEL  
LOCATED AT THE  
NORTHWEST CORNER OF  
STATE ROUTE 99 AND  
EAST TURNER ROAD  
FROM C-S TO R-1

ORDINANCE NO. 1425  
ADOPTED

CC-53(a)  
CC-149

Ordinance No. 1425 - entitled, "Ordinance Amending the Official Map of the City of Lodi and Thereby Rezoning the 9.2 Acre Parcel Located at the Northwest Corner of State Route 99 and East Turner Road from C-S, Commercial Shopping

Continued May 4, 1988

to R-1, Single-Family Residential" having been introduced at a Regular Council Meeting held April 20, 1988 was brought up for passage on motion of Council Member Olson, Hinchman second. Second reading of the Ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by unanimous vote of all Council members present.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tempore Snider adjourned the meeting at approximately 10:15 p.m.

ATTEST:

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk